

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)
)
0.48 ACRES OF LAND, more or less,)
situate in CAMERON COUNTY, TEXAS;)
and ESTATE OF LUCIANO ORTIZ, et al.,)
Defendants.)
)
CASE NO. 1:08-cv-196

AMENDMENT TO COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acting Executive Director, Asset Management, of U.S. Customs and Border Protection, for the taking of an interest in property, under the power of eminent domain through a Declaration of Taking, as amended, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

3. The interest in property is taken under and in accordance with the Act of Congress approved on February 25, 1931, as 46 Stat. 1421 and codified at 40 U.S.C. Section 3114, and the Act of Congress approved August 1, 1888, as 25 Stat. 357 and codified at 40 U.S.C. Section 3113, and any acts supplementary thereto and amendatory thereof; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, Stat. 3009-546, 3009-554, as amended and codified at 8 U.S.C. Section 1103(b) & note; and the Act

of Congress approved October 4, 2006, as Public Law 109-295, Title II, 120 Stat. 1355, which appropriated the funds which shall be used for the taking.

4. The public purpose for which said interest in property is taken is to construct roads, fencing, vehicle barriers, security lighting, and/or related structures designed to help secure the United States-Mexico border within the State of Texas.

5. A legal description of the land acquired in Tract RGV-BRP-1007, is set forth in Schedule "CC" attached hereto and made part hereof, which is in lieu of Schedule "C" annexed to the original Complaint in Condemnation (Docket No. 1), and containing a legal description of the acquired lands for Tract RGV-BRP-1007. A survey plat showing the property acquired for Tract RGV-BRP-1007 is shown on Schedule "DD", attached hereto and made part hereof, which is in lieu of Schedule "D" annexed to the original Complaint in Condemnation (Docket No. 1).

6. Interest being acquired in the property for Tract RGV-BRP-1007 is described in Schedule "EE" attached hereto and made part hereof, which is in lieu of Schedule "E" annexed to the original Complaint in Condemnation (Docket No. 1) filed herein, to clarify the estate in said lands.

7. The names and address of known parties having or claiming an interest in said property are set forth in Schedule "G" annexed to the original Complaint in Condemnation. (Docket No. 1).

8. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and exigible.

It is intended by this amendment that the original Complaint in Condemnation filed in this cause on May 28, 2008 (Docket No.1) is not changed, and is not intended to be changed, in any respect except as hereinabove expressly set forth.

WHEREFORE, Plaintiff requests judgment that the property and interests be condemned, and that just compensation for the taking be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

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